
SENATE BILL No. 265

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-9; IC 25-10-1-1; IC 25-10-1-2; IC 25-10-3.

Synopsis: Chiropractic manipulation. Provides that a practitioner is subject to disciplinary sanctions by that practitioner's regulatory board if the practitioner has performed spinal manipulation or spinal adjustment without having met specific qualifications. Requires a chiropractor to complete at least 300 hours of classroom instruction in spinal manipulation or spinal adjustment, at least 300 hours of classroom instruction in the area of radiographic interpretation, and at least 500 hours of supervised clinical training at a facility where spinal manipulation or spinal adjustment is a primary method of treatment, but exempts chiropractors licensed before July 1, 2001, from these education requirements. Requires a diagnosis to be made before spinal manipulation or spinal adjustment is performed. Requires certification by the practitioner's board and certain training requirements to be met by a person who is not otherwise authorized to perform spinal manipulation or spinal adjustment before an individual may perform spinal manipulation or spinal adjustment.

Effective: July 1, 2001.

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January 11, 2001, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 265

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-9-6.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 6.3. (a) This section does not apply to a person**
4 **licensed under IC 25-22.5.**

5 **(b) For purposes of this section, "joint mobilization" means a**
6 **nonthrust, manual therapy.**

7 **(c) For purposes of this section, "spinal manipulation" or**
8 **"spinal adjustment" means a method of skillful and beneficial**
9 **treatment characterized by:**

10 **(1) a directed, brief, and sudden impulsion, thrust, or leverage**
11 **to move a joint of a patient's spine beyond the joint's normal**
12 **range of motion without exceeding the limits of anatomical**
13 **integrity; or**

14 **(2) a specific thrust applied to the vertebrae using parts of the**
15 **vertebrae and contiguous structures as levers to directionally**
16 **correct articular malposition.**

17 **The terms do not refer to the orthopaedic reduction of fractures**



and dislocations, or joint mobilization where no sudden impulsion, thrust, or leverage is used and a patient's joint is not moved beyond the joint's normal range of motion.

(d) A practitioner is subject to disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has performed spinal manipulation or spinal adjustment and the practitioner:

(1) does not have the authority to diagnose under the practitioner's scope of practice; and

(2) has not received:

(A) at least three hundred (300) hours of classroom instruction in spinal manipulation or spinal adjustment; and

(B) at least five hundred (500) hours of supervised clinical training at an accredited facility where spinal manipulation or spinal adjustment is a primary method of treatment.

(e) Before an individual may perform spinal manipulation or spinal adjustment, a person licensed under IC 25-10 or IC 25-22.5 to diagnose another person for any disease, injury, defect, deformity, or infirmity of the body must determine that the individual to receive therapy does not have a condition that would contraindicate the therapy.

(f) If the person making the diagnosis under subsection (e) is not also performing the therapy, the person must do the following:

(1) Make a written diagnosis report.

(2) Give the report to the person performing the therapy before the initiation of the therapy.

(3) Ensure that the person performing the therapy has complied with subsection (g).

(g) An individual who is not authorized to perform spinal manipulation or spinal adjustment and who intends to directly treat or normalize abnormal or dysfunctional articulations of the human body must be certified by the practitioner's regulatory board that the individual has completed the following:

(1) At least three hundred (300) hours of classroom training in manual or mechanical therapy in which spinal manipulation and spinal adjustment are the primary courses of instruction.

(2) At least five hundred (500) hours of supervised clinical training at a facility where spinal manipulation or spinal adjustment is a primary method of treatment.

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SECTION 2. IC 25-1-9-9, AS AMENDED BY P.L.32-2000, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) The board may impose any of the following sanctions, singly or in combination, if it finds that a practitioner is subject to disciplinary sanctions under section 4, 5, 6, ~~or 6.3~~, or 6.7 of this chapter or IC 25-1-5-4:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
 - (A) report regularly to the board upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the board;
 - (C) continue or renew professional education under a preceptor, or as otherwise directed or approved by the board, until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.
- (6) Assess a fine against the practitioner in an amount not to exceed one thousand dollars (\$1,000) for each violation listed in section 4 of this chapter, except for a finding of incompetency due to a physical or mental disability. When imposing a fine, the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the fine within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a fine.

(b) The board may withdraw or modify the probation under subsection (a)(5) if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order.

SECTION 3. IC 25-10-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this article:

- (1) "Chiropractic" means the diagnosis and analysis of any interference with normal nerve transmission and expression, the



procedure preparatory to and complementary to the correction thereof by an adjustment of the articulations of the vertebral column, its immediate articulation, and includes other incidental means of adjustments of the spinal column and the practice of drugless therapeutics. However, chiropractic does not include any of the following:

- (A) prescription or administration of legend drugs or other controlled substances;
- (B) performing of incisive surgery or internal or external cauterization;
- (C) penetration of the skin with a needle or other instrument for any purpose except for the purpose of blood analysis;
- (D) use of colonic irrigations, plasmatics, ionizing radiation therapy, or radionics;
- (E) conducting invasive diagnostic tests or analysis of body fluids except for urinalysis;
- (F) the taking of x-rays of any organ other than the vertebral column and extremities; and
- (G) the treatment or attempt to treat infectious diseases, endocrine disorders, or atypical or abnormal histology.

(2) "Chiropractor" means any person who is qualified under this chapter to practice the science of chiropractic.

(3) "Board" means the board of chiropractic examiners under section 1.5 of this chapter.

(4) "Bureau" means the health professions bureau under IC 25-1-5.

(5) "Joint mobilization" means a nonthrust, manual therapy.

(6) "Spinal adjustment" or "spinal manipulation" means a method of skillful and beneficial treatment characterized by:

- (A) a directed, brief, and sudden impulsion, thrust, or leverage to move a joint of a patient's spine beyond the joint's normal range of motion without exceeding the limits of anatomical integrity; or**
- (B) a specific thrust applied to the vertebrae using parts of the vertebrae and contiguous structures as levers to directionally correct articular malposition.**

The terms do not refer to the orthopaedic reduction of fractures and dislocations, or joint mobilization where no sudden impulsion, thrust, or leverage is used and a patient's joint is not moved beyond the joint's normal range of motion.

SECTION 4. IC 25-10-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) A person who is

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at least eighteen (18) years of age and who has not been convicted of a crime that has a direct bearing on the person's ability to practice competently is eligible to be licensed to practice chiropractic in Indiana if the person is a graduate of an incorporated chiropractic school or college incorporated for the purpose of teaching the science of chiropractic. The school or college must meet the reasonable requirements of the board and must be accredited by the Accreditation Commission of the Council on Chiropractic Education during the applicant's attendance at the accredited school or college. The board may not discriminate against a chiropractic school or college that meets these requirements.

(b) In addition to the requirements in subsection (a), an applicant for a license to practice chiropractic must have completed:

(1) at least two (2) years (sixty (60) semester hours) of education in a college or university of learning accredited by an accrediting agency that has been approved by the United States Department of Education before the applicant's training and education in a chiropractic school or college;

(2) at least three hundred (300) hours of classroom instruction in spinal manipulation or spinal adjustment; and

(3) at least five hundred (500) hours of supervised clinical training at a facility where spinal manipulation or spinal adjustment is a primary method of treatment.

SECTION 5. IC 25-10-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 3. Performance of Spinal Manipulation or Spinal Adjustment

Sec. 1. (a) Before an individual licensed under this article may perform spinal manipulation or spinal adjustment, a person licensed under this article or IC 25-22.5 to diagnose another person for any disease, injury, defect, deformity, or infirmity of the body must determine that the individual to receive therapy does not have a condition that would contraindicate the therapy.

(b) If the person making the diagnosis under subsection (a) is not also performing the therapy, the person must do the following:

(1) Make a written diagnosis report.

(2) Give the report to the person performing the therapy before the initiation of the therapy.

(3) Ensure that the person performing the therapy has complied with section 2 of this chapter.

Sec. 2. An individual licensed under this article who is not



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1 authorized to perform spinal manipulation or spinal adjustment
2 and who intends to directly treat or normalize abnormal or
3 dysfunctional articulations of the human body must be certified by
4 the board that the individual has completed the following:

5 (1) At least three hundred (300) hours of classroom training
6 in manual or mechanical therapy in which spinal
7 manipulation and spinal adjustment are the primary courses
8 of instruction.

9 (2) At least five hundred (500) hours of supervised clinical
10 training at a facility where spinal manipulation or spinal
11 adjustment is a primary method of treatment.

12 SECTION 6. [EFFECTIVE JULY 1, 2001] Notwithstanding
13 IC 25-10-1-2, as amended by this act, a person who has applied for
14 a license under IC 25-10 before July 1, 2001, is not required to
15 meet the education requirements under IC 25-10-1-2(b)(2) through
16 IC 25-10-1-2(b)(3), as amended by this act.

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